

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JOSE VICTOR LUNA,
Plaintiff

V.

**CITY OF ROUND ROCK, ROUND
ROCK POLICE DEPARTMENT,
ALLEN BANKS, WILLIE
RICHARDS, JIM STUART,
ANDY MCKINNEY, JUSTIN
CARMICHAEL, BEN B. JOHNSON,
JOHNATHAN A. MINER, SHELBY A.
INGLES, NATHAN J. ZOSS,
KASHEALA L. MAY, MICHAEL A.
CARTER, TRACEY L. COLE, MARC
A. MCCALISTER, AND VERNON A.
ROSSING,**

Defendants

CASE NO. 1:21-CV-00170-RP-SH

ORDER

Before the Court is Plaintiff’s Motion for Expedited Discovery, filed September 3, 2021 (Dkt. 16). On May 5, 2021, the District Court referred all pending and future motions in this case to the undersigned Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72, and Rule 1 of Appendix C to the Local Rules of the United States District Court for the Western District of Texas (“Local Rules”). Dkt. 11.

Local Rule CV-7(g) provides that:

The court may refuse to hear or may deny a nondispositive motion unless the movant advises the court within the body of the motion that counsel for the parties have conferred in a good-faith attempt to resolve the matter by agreement and certifies the specific reason that no agreement could be made.

In his Certificate of Conference, Plaintiff states that he left a phone message for defense counsel the same day he filed his motion. That is insufficient. To satisfy Rule CV-7(g), before filing any nondispositive motion with the Court, Plaintiff must allow a reasonable time for response and

actually confer with counsel for Defendant “in a good-faith attempt to resolve the matter by agreement.”

Plaintiff also fails to present any facts providing grounds for the relief he seeks in his motion. This violates Local Rule CV-7(c)(1), which requires that: “All motions must state the grounds therefor and cite any applicable rule, statute, or other authority justifying the relief sought.”

For these reasons, Plaintiff’s Motion for Expedited Discovery (Dkt. 16) is **DENIED**. The Court also observes, however, that Defendants failed to timely respond to Plaintiff’s motion. “If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed.” Local Rule CV-7(d). Both parties are admonished to abide by all court rules henceforth. *See Birl v. Estelle*, 660 F.2d 592, 593 (5th Cir. 1981) (“The right of self-representation does not exempt a party from compliance with relevant rules of procedure and substantive law.”).

SIGNED on September 15, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE